

## REMARKS

### I. PENDING CLAIMS AND SUPPORT FOR AMENDMENTS

Upon entry of this amendment, claims 29 through 43 will be pending in this application. Claims 1-28 and 44 have been canceled. Claim 29 has been amended to remove the terminology to which the Examiner objects. Support for this amendment can be found in the claim as originally filed. No new matter has been added.

Because this amendment does not require further consideration or search, and because it obviously places the application in condition for allowance, entry is appropriate under 37 C.F.R. § 1.116, and is respectfully requested.

### II. REJECTION FOR INDEFINITENESS

At pages 2-6 of the Office action, the Examiner has rejected claims 29-43 as indefinite under 35 U.S.C. § 112, second paragraph, because the terminology "low melting index" is allegedly indefinite. While Applicants disagree with the Examiner's conclusion, in the interest of expediting prosecution, Applicants have amended claim 29 to avoid use of this terminology. Accordingly, the Examiner's rejection is moot.

### III. REJECTION FOR OBVIOUSNESS

At page 6 of the Office action, the Examiner has again rejected claim 29 under 35 U.S.C. § 103(a) as obvious over Markell (U.S. Patent No. 6,270,609). Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

As pointed out in Applicants' previous response, Markell is not directed to a granular purification material; Markell instead produces a tubular web structure that

must be heated to mold it to the appropriate shape and "activate the binder."

Applicants claims recite a granulated purification material, not a monolithic material such as that disclosed in Markell.

Moreover, using a zero-melting index binder in the material disclosed by Markell would be impractical. Contrary to the Examiner's assertions, it seems clear that Markell heats his material to a sufficiently high temperature that the material is at least pliable, and more likely flowable. One of ordinary skill in the art would not have been motivated to replace the binder used in Markell with a zero melting index binder, since this would present difficulties in achieving sufficiently high temperature to accomplish the subsequent molding and "activation" step.

In view of this lack of motivation, Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness, and respectfully request that this rejection be withdrawn.

#### IV. REMAINING REJECTIONS

Applicants note that the Examiner has explicitly withdrawn his rejection under 35 U.S.C. § 112, first paragraph. Since the Examiner has not repeated any other rejections made in the first Office action, Applicants assume that these are withdrawn as well.

## **PETITION FOR THREE-MONTH TIME EXTENSION**

To the extent necessary, under 37 C.F.R. § 1.136(a) (1998) assignee hereby petitions that the period for responding to the Examiner's Action mailed on July 10, 2003 be extended for three months, up to and including November 7, 2003. Enclosed is a check in the amount of \$475.00 to cover the appropriate fee for this extension under 37 C.F.R. § 1.17.

## CONCLUSION

Because the present amendment places the application in obvious condition for allowance, or at least in materially better form for appeal by removing issues raised by the Examiner, and because the amendment does not raise new issues requiring further consideration or search, it should be entered and considered by the Examiner.

Moreover, the amendment resolves all remaining issues before the Examiner and places the application in condition for immediate allowance. An early notification thereof is respectfully requested. If the Examiner believes that further issues remain to be resolved, he is respectfully requested to contact the undersigned for a telephonic interview to facilitate resolution of these issues.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,



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